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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,955	02/23/2000	Charlie Ghahremani	37072/JEC/X2	3897

35114 7590 08/29/2003

ALCATEL INTERNETWORKING SYSTEM, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
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PLANO, TX 75075

EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 08/29/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/511,955

Applicant(s)

GHAHREMANI ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Response to Amendment

1. **Claims 1, 2, 5, 6, and 9-14** as amended are still in consideration for this application.

Applicant has amended claims 1, 2, 5, and 6. Applicant has canceled claims 3, 4, 7, and 8.

Applicant has added claims 9-14.

2. Examiner does **not withdraw** the obviousness rejection to *Chau et al.* for Office action filed 4/25/03. Examiner notes two items of issue: the first being the concept of “dynamic bonding” (i.e., in reference to applicant’s second paragraph on page 6 for applicant’s remarks filed 7/21/03) and the second being the definition of a first and second “protocol” (i.e., in reference to applicant’s third paragraph on page 6 for applicant’s remarks filed 7/21/03). *Chau et al.* explicitly discloses that when a client dials into the network access server across one of the telephone lines, a physical port is bound to a logical port (i.e., the allocation of these ports takes place during system initialization but the bonding of these ports takes place during call setup) [column 9, lines 60-65]. Thus *Chau et al.* discloses bonding a physical port to a logical port while establishing a connection (i.e., session). One skilled in the art would recognize that a first protocol is bound to a physical port during a first call and a second protocol is bound to a physical port during a second call and so forth as long as the port are initially allocated during system initialization thus teaching dynamically bonding the protocol to an input port (i.e., what at issue is not allocation but bonding as recited in the amended claims). At second issue is what applicant means by a first and second protocol. Examiner notes this is further clarified with respect to newly added claims 9, 10, 12, and 14. Examiner notes support (and context) for a layer two protocol in applicant’s specification on pages 43-45. Examiner and applicant both

Art Unit: 2663

seem to agree that *Chau et al.* teaches a first layer two protocol of PPP (see applicant's remarks on page 6 third paragraph). Examiner notes that not clearly recited by the claims is a different layer two protocol in general. Thus taking a reasonable but broad interpretation of the recited claim language, examiner notes that the limitation is met. However, assuming applicant meant two different data link protocols, examiner notes that *Chau et al.* further teaches both PPP and SLIP where one skilled in the art would recognize SLIP is a different data link protocol [column 8, lines 15-26; column 14, lines 59-60; figure 4]. In reference to applicant's specification on pages 44-45, examiner also notes that *Chau et al.* teaches various forms of PPP depending on the physical connection such as Ethernet (e.g., PPOE).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 5, 6, and 9-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,233,232 to *Chau et al.* ("*Chau*").

As to **claims 1, 5, 11 and 13**, *Chau* discloses general means for identifying a protocol, dynamically bonding the identified protocol, and adding encapsulation information. Specifically, *Chau* discloses a modular architecture for connecting a plurality of network access servers 100, 120, and 130 together over network 130. Examiner notes for this rejection a switch is a network access server. Shown in figure 4 is kernel 400 that comprises drivers at the physical layer which setup a connection with

the data-link layer. Examiner specifically notes that a PPP connection is established over an Ethernet interface, T1 interface, or ISDN interface as shown in figure 4 of *Chau* and in relation to applicant's specification on page 44, lines 30-35 with respect to PPP being generally "bonded" to at least ISDN and T1. Examiner notes the general bonding is further illustrated in figures 6 and 7 of *Chau* with respect to setting or establishing a data connection path (i.e., a conventional data path) [columns 9-10]. In addition, examiner notes a broad but reasonable interpretation of a PIF object as defined by applicant in applicant's specification on page 3, lines 1-5. Thus taught specifically by the reference is that when a client dials into the network access server (i.e. switch) across one of the telephone lines, a physical port is bound to a logical port [column 9, lines 60-65]. Examiner notes that the routing engine 108, 112, and 128 is used to further route or forward the data block to a destination address.

Examiner notes it may not be clear from the reference on a second protocol. Examiner notes that it would have been obvious to someone skilled in the art prior to applicant's invention to select a second protocol. As motivation, *Chau* discloses selecting a layer two protocol when bonding a physical port to a logical port where the logical port information includes PPP and SLIP (see figure 4).

As to **claims 2 and 6**, *Chau* discloses using memory as shown in figure 3 to store the encapsulated information.

As to **claims 9, 10, 12, and 14**, PPP is a layer two protocol.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

Derrick W. Ferris
Examiner
Art Unit 2663

DWF


MELVIN MARCELO
PRIMARY EXAMINER